



VIA HAND DELIVERY JANUARY 6, 2003

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Ruben et al

Docket No.: PZ023P1C1

Application No.: 09/813,153

Group Art Unit: 1631

Filed: March 21, 2001

Examiner: Emily Le

For: Protein HCESF43

RECEIVED  
JAN 08 2004  
TECH CENTER 1600/2900

**AMENDMENT AND RESPONSE UNDER 37 C.F.R. 1.111**

Commissioner for Patents and Trademarks  
P.O. Box 1450  
Alexandria, VA 22313-1450

In response to the Office Action mailed October 6, 2003 (Paper No. 8), please consider the following amendments and remarks. Applicants submit concurrently herewith: (a) a Fee Transmittal Sheet, accompanied by the appropriate fee; (b) Return Receipt Postcard; and (c) Exhibits A-D.

Amendments to the Specification begin on page 2.

Claim amendments appear on page 8.

Remarks begin on page 15.



# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003, Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** (\$ ) 0.00

Use in lieu of PTO/SB/17 (08-03)  
(Form updated to reflect FY 2004 fees effective 10/1/03)

Complete if Known	
Application Number	09/813,153-Conf. #2908
Filing Date	March 21, 2001
First Named Inventor	Steven M. Ruben
Examiner Name	E. Le
Art Unit	1631
Attorney Docket No.	PZ023P1C1

## METHOD OF PAYMENT (check all that apply)

Check  Credit Card  Money Order  Other  None

Deposit Account:

Deposit Account Number 08-3425

Deposit Account Name Human Genome Sciences, Inc.

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below  Credit any overpayments

Charge any additional fee(s) during the pendency of this application

Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)
1051	130	2051	65 Surcharge – late filing fee or oath
1052	50	2052	25 Surcharge – late provisional filing fee or cover sheet.
1053	130	1053	130 Non-English specification
1812	2,520	1812	2,520 For filing a request for ex parte reexamination
1804	920*	1804	920* Requesting publication of SIR prior to Examiner action
1805	1,840*	1805	1,840* Requesting publication of SIR after Examiner action
1251	110	2251	55 Extension for reply within first month
1252	420	2252	210 Extension for reply within second month
1253	950	2253	475 Extension for reply within third month
1254	1,480	2254	740 Extension for reply within fourth month
1255	2,010	2255	1,005 Extension for reply within fifth month
1401	330	2401	165 Notice of Appeal
1402	330	2402	165 Filing a brief in support of an appeal
1403	290	2403	145 Request for oral hearing
1451	1,510	1451	1,510 Petition to institute a public use proceeding
1452	110	2452	55 Petition to revive – unavoidable
1453	1,330	2453	665 Petition to revive - unintentional
1501	1,330	2501	665 Utility issue fee (or reissue)
1502	480	2502	240 Design issue fee
1503	640	2503	320 Plant issue fee
1460	130	1460	130 Petitions to the Commissioner
1807	50	1807	50 Processing fee under 37 CFR 1.17(q)
1806	180	1806	180 Submission of Information Disclosure Stmt
8021	40	8021	40 Recording each patent assignment per property (times number of properties)
1809	770	2809	385 Filing a submission after final rejection (37 CFR 1.129(a))
1810	770	2810	385 For each additional invention to be examined (37 CFR 1.129(b))
1801	770	2801	385 Request for Continued Examination (RCE)
1802	900	1802	900 Request for expedited examination of a design application
Other fee (specify)			

**SUBTOTAL (1) (\$ ) 0.00**

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

	Extra Claims	Fee from below	Fee Paid
Total Claims	33	-41** =	= 0.00
Independent Claims	7	-7** =	= 0.00
Multiple Dependent			

Large Entity	Small Entity	Fee Description
Fee Code	Fee (\$)	Fee Description
1202	18	2202 9 Claims in excess of 20
1201	86	2201 43 Independent claims in excess of 3
1203	290	2203 145 Multiple dependent claim, if not paid
1204	86	2204 43 ** Reissue independent claims over original patent
1205	18	2205 9 ** Reissue claims in excess of 20 and over original patent

**SUBTOTAL (2) (\$ ) 0.00**

\*\* or number previously paid, if greater; For Reissues, see above

\*Reduced by Basic Filing Fee Paid **SUBTOTAL (3) (\$ ) 0.00**

(Complete if applicable)				
Name (Print/Type)	Janet M. Martineau	Registration No. (Attorney/Agent)	46,903	Telephone (301) 315-2723
Signature			Date	January 6, 2004

RECEIVED  
JAN 8 2004  
TECH CENTER 1600/2900